

Arnold B. Calmann (abc@saiber.com)
 Jeffrey Soos (js@saiber.com)
 Katherine A. Escanlar (kae@saiber.com)

SAIBER LLC

One Gateway Center, 13th Floor
 Newark, New Jersey 07102-5311
 (973) 622-3333

Edgar H. Haug (ehaug@flhlaw.com)
 Thomas J. Kowalski (tkowalski@flhlaw.com)
 Gina M. Bassi (gbassi@flhlaw.com)

FROMMER LAWRENCE & HAUG LLP

745 Fifth Avenue
 New York, New York 10151
 (212) 588-0800

Attorneys for Defendants

*3/31/09
 Denied
 refile motion
 Peter H. Hershman*

**UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF NEW JERSEY**

DSM Food Specialties USA, Inc.,

Plaintiff,

v.

**Danisco USA Inc., Danisco A/S,
 and Danisco Cultor America, Inc.**

Defendants.

and

Danisco USA Inc.,

Counterclaim-Plaintiff,

v.

**DSM Food Specialties USA, Inc., DSM Food
 Specialties, Italy S.p.A., DSM Food
 Specialties B.V., and Royal DSM N.V.,**

Counterclaim-Defendants.

Civil Action No. 08-2179 (PGS/ES)

**SCHEDULING ORDER
 FOR DEFENDANTS' MOTIONS
 AND REPLY TO
 COUNTERCLAIM**

THIS MATTER having been opened to the Court by letter from Arnold B. Calmann, Esq., counsel for Danisco A/S, Danisco USA Inc. ("Danisco USA"), and Danisco Cultor America, Inc. (collectively "the Danisco entities") dated March 31, 2009, providing a report to the Court regarding the status of any settlement in this matter and the Danisco entities having reported therein that no settlement has been achieved at this time; and the previous dates for the filing by DSM Food Specialties USA, Inc. ("DSM USA"), DSM Food Specialties Italy S.p.A., DSM Food Specialties B.V., and Royal DSM N.V (collectively "the DSM entities") of their papers in opposition to the pending motions to dismiss of the Danisco entities and the date for the filing of a reply by the DSM entities to the Counterclaim of Danisco USA having lapsed under the terms of Stipulation and Orders previously entered in this matter that set forth a schedule relating thereto; and the Court having been informed that this case and the said motions are ready to proceed in light of the fact that no settlement has been achieved; and the Court having considered the status of these proceedings and the pleadings in this matter; and for other and good cause having been shown, and in the discretion of the Court,

IT IS on this ____ day of _____, 2009;

ORDERED, that the return date for the Danisco entities' pending motions to dismiss shall be May 4, 2009; and it further

ORDERED, that the DSM entities shall file their opposition papers to the Danisco entities' pending motions to dismiss (D.I. 9 and 10) and their reply to Danisco USA's Counterclaim (D.I. 7) on or before April 20, 2009; and it is further

ORDERED, that the Danisco entities shall file their reply papers in connection with their motions to dismiss by April 27, 2009; and it is further

ORDERED, that in all other respects this case shall proceed and the parties shall confer with Magistrate Judge Salas with regard to any scheduling issues that require further consideration or resolution by the Court.

HON. PETER G. SHERIDAN
UNITED STATES DISTRICT COURT JUDGE